

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2010 JUN 30 PM 1:17

AZAEEL DYTHIAN PERALES)
POST OFFICE BOX 501)
FULLERTON, CALIFORNIA 92836)
(714) 507-9318)

PLAINTIFF(S))

v.)

UNITED STATES TAX COURT)
(JOHN O' COLVIN) Chief Judge)
400 SECOND STREET N.W.,)
WASHINGTON, D.C. 20217)
(202) 521-0700)

DEFENDANT(S))

CLERK
BY PM
DEPUTY CLERK

"COMPLAINT with Jury Demand"

5:10-CV-149

- 1.) Honorable Clerk of the Court I ask the Court to hear this case citing § Multiple Jurisdiction
- 2.) Litigation § 20.32} All Writs Act730 & Act731 and the necessary-in-aid of jurisdiction.
- 3.) I ask the Court to respectfully proceed under "18 U.S.C.A. § 3237.(a) Offenses begun in
- 4.)One district and completed in another, Thank you.

Section - 1

- 1.) All named Defendants are guilty of conducting the violation of U.S.C. (Title 12)
- 2.) Chapter 43 Subchapter 1> §4201. (a) Filing of confidential declaration by
- 3.) private persons being me the Plaintiff which gave rise to the Defendants

- 4.) Regarding a Whistleblower case which involved adulterated drugs which
- 5.) the Internal Revenues and several states collected revenues penalties and
- 6.) Fines on said years which are in controversy 2008, 2009, & 2010 in which
- 7.) Civil penalties are applicable under section 1833a of this title affecting a
- 8.) Depository institution Insurance by the Federal Deposit Insurance Corporation
- 9.) And Several Federal Agencies including the Department of Justice,
- 10.) The United States Food & Drug Administration, United States Drug
- 11.) Enforcement Agency, California Department of Public Health
- 12.) Food and Drug Branch-Sacramento, CA., Wal-Mart Stores Inc.,
- 13.) Sam's Club, Company- A Division of Wal-Mart, Incorporated.
- 14.) All named Defendants are guilty of conducting the violation of U.S.C. (Title 12)
- 15.) Chapter 43 Subchapter 1> §4201. (b) The Defendants under subsection
- 16.) (a) of this Section failed to file with the Attorney General of the
- 17.) United States or with an agent designated by the Attorney General
- 18.) For receiving declarations under this Section.
- 19.) All named Defendants are guilty of failing to enforce U.S.C. (Title 12)
- 20.) Chapter 43 Subchapter 1> §4205. (a) In general, I the Plaintiff filed a declaration
- 21.) That meet the requirements of Section 4201, 4205, 4206, 4210, 4212, 4221 & 4229
- 22.) Of U.S.C. (Title 12).

Section - 2

- 23.) All named Defendants are guilty of conducting the violation of U.S.C. (Title 15)

- 24.) Chapter 1 > § 6. (a) Conduct involving trade or commerce with foreign
- 25.) Nations, in regards to the controversy before the court the Commerce and Trade
- 26.) In question is adulterated pharmaceutical drugs sold by Wal-Mart Stores.
- 27.) All named Defendants are guilty of conducting the violation of U.S.C. (Title 15)
- 28.) Chapter 1 > § 6. (a) (1) the conduct had a direct and foreseeable effect
- 29.) On trade and Commerce of foreign nations, *see Perales, World Health Organization v.*
- 30.) *The United States of America* formal complaint and Petition dated January 26, 2010,
- 31.) Outlining the United States Violation of Declaration of Alma-Ata, International
- 32.) Conference on Primary Health Care, Alma-Ata, Ussr, 6-12 September 1978, which
- 33.) Gives rise to a claim under the provisions of sections 1 to 7 of this title.
- 34.) All named Defendants are guilty of conducting the violation of U.S.C. (Title 15)
- 35.) Chapter 1> § 5. Bringing in additional Parties, as in the controversy
- 36.) In which was before the named Defendants in U.S. Tax Court failed to proceed
- 37.) Under U.S.C. (Title 15) Chapter 1> § 4. Jurisdiction of Courts which had pending
- 38.) And relating suits that required the Defendants to bring in other parties
- 39.) Before the Court i.e. the Internal Revenue Commissioner, Department of Justice -
- 40.) United States Attorney General, the United States Food & Drug Administration, United
- 41.) States Drug Enforcement Agency, California Department of Public Health
- 42.) Food and Drug Branch-Sacramento, CA., Wal-Mart Stores Inc., and
- 43.) Sam's Club, Company- A Division of Wal-Mart, Incorporated, citing

- 44.) Manual for Complex Litigation, Fourth, § *Multiple Jurisdiction Litigation* § 20.32,
- 45.) Manual for Complex Litigation, Fourth, § All Writs Act 730 and Manual for Complex
- 46.) Litigation, Fourth, § Anti- Injunction Act 731 The pendency of related state and federal
- 47.) Actions can cause jurisdictional complexities and conflicts, leading to requests that the
- 48.) Federal court either stay or dismiss its proceeding or enjoin state court proceedings.
- 49.) Such injunctions should be a last resort, invoked only after voluntary coordination efforts
- 50.) Have failed such as the cases before the Defendants. *Judicial Federalism in Action*,
- 51.) *supra* note 687, at 1714–21.719. *See, e.g., id.* at 1702–03 (describing the Ohio asbestos
- 52.) Litigation. The law is clear due to the complexities of the controversy which
- 53.) Was before the Defendants outlined in a motion for continuance in Tax Court
- 54.) Case No. 5664-10 Illinois, Dated May 2, 2010 that the Defendants must proceed under
- 55.) “18 U.S.C.A. § 3237. (a) Offenses begun in one district and completed in another,
- 56.) To prevent and restrain such violations. The Petitions presented to the Defendants
- 57.) Set forth a case praying that such violations shall be enjoined or otherwise
- 58.) Prohibited. When a Parties as me the Plaintiff before the Defendants complained
- 59.) Of Shall have been duty notified of such petition before the defendants, shall
- 60.) Proceed, as soon as may be, to the hearing and determination of the case;
- 61.) Perales v. Wal-Mart Docket No. CVO9-6452 UNITED STATES DISTRICT COURT
- 62.) CENTRAL DISTRICT OF CALIFORNIA - Perales v. Wal-Mart Docket No. On File
- 63.) United States Supreme Court. The Defendants failed to uphold the Courts ruling in
- 64.) Cases cited [Fitzpatrick v. Bitzer (427 U.S. 448: 1976)] .This rulings protected individuals

65.) Such as myself from Rapacious injustice outside of the state where the individuals is
66.) Living, and or doing business; it also allowed civil, criminal and punitive damages
67.) Against officials, Corporations and persons who violated the law to the controversy
68.) In question before the Defendants and the Courts. The Defendants are guilty
69.) Of violation *Habeas Corpus Act of 1679* which introduced several procedural
70.) Reforms to guarantee a prompt response to applications for the Writ and to
71.) Ensure speedy trial for those accused of crime. The Act also imposed fines
72.) On Judges such as Judge John O. Colvin of Tax Court who unduly
73.) Delayed and dismissed a credible application and petition before his court.
74.) The Defendants violated law under 42 U.S.C. Section § 1983. [The Defendants
75.) At any time could of made such temporary restraining order or prohibition as shall be
76.) Necessary of the controversy in question that was before the named Defendants] thus
77.) The Defendant conducted the violations of (Title 15) Chapter 1 > § 8. Every
78.) Combination , conspiracy, trust, agreement, or contract is declared to be contrary
79.) To public policy, illegal, and void when the same is made by or between
80.) Two or more persons or corporations, either of whom, as agent or principal
81.) Is engaged in importing any article from a foreign country into the United States. In
82.) The controversy that was before the defendant the article was adulterated
83.) Imported pharmaceutical drugs into the United States contracted under violation
84.) Of (Title 21) U.S.C. Food and Drugs Subchapter III Prohibited Acts and

- 85.) Penalties > § 331. (a) Delivered into interstate adulterated drugs; (b) adulterated or
- 86.) Misbranded drugs - Prohibited acts; intent to defraud and mislead the public subjected
- 86.) To criminal proceedings. The controversy before the Defendants also petitioned
- 87.) To proceed under (Title 21) U.S.C. Food and Drugs Subchapter III Prohibited
- 85.) Acts and Penalties > § 333. Penalties (b) Prescription drug marketing violations.
- 88.) The Defendants conducted the violation of (Title 15) U.S.C. Chapter 1 > § 15. ,
- 89.) Suits by persons injured. (a), (1) (2) (3) Amount of recovery; prejudgment interest; I was
- 90.) Injured in my business and property by reason of antitrust laws and petitioned
- 91.) The Defendant to sue in U.S. Tax Court citing I.R.C. violations and Whistleblower
- 92.) Proceedings for the amount in controversy and under law should have recovered
- 93.) Three fold the damages [tax deficiency] sustained which were collected
- 94.) By the Internal Revenue Commissioner under the Federal Tort Claims Act;
- 95.) This is a statute; that enables private citizens as me to sue the Government in civil tort
- 96.) I Actions In federal court. The significance of this act allows people to sue when a
- 97.) Federal employee harms a third Party or private property by way of negligence, in this
- 98.) Controversy the third Party was me. The violations occurred from the year 2008, 2009,
- 99.) And 2010. The Act also allows me to sue and recover in an international Tort.
- 100.) The Federal Tort Act allows the liability against the federal
- 101.) Government if a federal Employee is acting within the scope of his or
- 102.) Her employment and Injures a third party as did the Defendants. I am Citing Refusal of

- 103.) Legislative Investigations by the Defendant; Refusal to Cooperate which resulted in
- 104.) Witnesses being cited for legislative Contempt.(Watkins v. United States (354 U.S.178:
- 105.) - 1957).The Defendants conducted the violation of (Title 15) U.S.C. Chapter 1 > § 15e.,
- 106.) Distribution of damages. The Defendant failed to recover any monetary relief
- 107.) In my petition of action under Section 15c. (a) (1) which under this title shall -
- 108.) Be distributed in such manner as the Defendant discretion.
- 109.) The Defendant failed to exercise or authorize a civil penalty by the court and
- 110.) Deposited with the state as general revenues; thus allowing the Whistleblower
- 111.) Action to move forward giving me a reasonable Opportunity to secure my
- 112.) Appropriate portion [award] of the net monetary relief of the controversy
- 113.) That was before the Defendants.

Section - 3

- 114.) The Defendants conducted the violations to (Title 42) Public Health and Safety laws
- 115.) U.S.C. Chapter 1 > § 97. State health laws observed by the United States;
- 116.) All officers of the United States shall faithfully aid in the execution of such quarantines
- 117.) And health laws, according to there respective power, and within their respective
- 118.) Precincts, and as they shall be directed from time to time, by the Secretary
- 119.) Of Health and Human Services; the Defendants are a Federal Authority, with
- 120.) Broad authority over all federal agencies courts and state and federal officials
- 121.) Which to my knowledge did absolutely nothing to aid in the execution
- 122.) Of aiding fellow officers of the court or protect the general publics interest including

- 123.) Me the petitioner before the Defendant with said controversy before their Court.
- 124.) The violations occurred in the year of 2010.
- 125.) The Defendants conducted the violations to (Title 42) Public Health and Safety laws
- 126.) U.S.C. Chapter 2 > § 89. Quarantine warehouses; erection. The Defendants
- 127.) Failed to petition the President for orders for suitable warehouses, with
- 128.) Wharves and inclosures, where merchandise i.e. {adulterated imported drugs}
- 129.) Can be stored for quarantine, investigations and prosecution or other restraints
- 130.) By the United States of America for the purpose of Public Safety.
- 131.) The Defendants conducted the violation of the Controlled Substance Act
- 132.) [21 U.S.C. 801 et seq.] . The Defendants conducted the violation of the
- 133.) Controlled Substances Import and Export Act [21 U.S.C. 951 et seq.]

Section - 4

- 134.) The Defendants conducted the violations of *The Sherman Antitrust Act of 1890*,
- 135.) This law was designed to regulate interstate business and thwart violations
- 136.) To United States Commerce laws which I have outlined in this Petition to the Court.
- 137.) The Defendants conducted the violations of The Robinson-Patman Act 1936
- 138.) Statue (15 U.S.C.A. § 13 (a-f) that amended Section 2 of the *Clayton Act*
- 139.) (October 15 1914, ch. 323, 38 Stat. 730) this Antitrust Statue was aimed
- 140.) At price discrimination which was prevalent in the petition before the Defendant.

Section - 5

141.) Defendants are guilty of the following United States Codes.

142.) 2508. 18 U.S.C. §§ 1961–1968 (West 2003). 2509. Commission on the

143.) Judiciary, U.S. Senate, Organized Crime Control Act of 1969, S. Rep.

144.) No. 91-617, at 76 (1969). In 1969, Congress enacted the 1920 Racketeer

145.) Influenced and Corrupt Organizations Act 2508 (RICO) which was

146.) Violated by named Defendants to respond to the “infiltration of

147.) Organized crime and racketeering into legitimate organizations Wal-Mart

148.) Operating in interstate commerce.” 2509 Congress targeted organized

149.) Crime which I am asking the court to implement onto the named

150.) Defendants through a broad statutory scheme that included severe

151.) Criminal penalties, Fines, imprisonment, asset forfeiture, 2510 and civil

152.) Remedies in an effort to undermine the economic power of

153.) Racketeering organizations as in the named Defendants in this

154.) Complaint. 2511 The statute further enabled private litigants as me

155.) To act, in effect, as private attorneys general 2512 to sue for injury to

156.) Their businesses or property caused by a RICO violation.

157.) Civil RICO claims have alleged wrongs actionable under state and

158.) Common law, as well as other federal statutes. 2513 Although the statute

159.) Was targeted 2508. 18 U.S.C. §§ 1961–1968 (West 2003).

160.) 2509. Commission on the Judiciary, U.S. Senate, Organized Crime Control

161.) Act of 1969, S. Rep. No. 91-617, at 76 (1969). In 1969, the President’s

162.) Commission on Law Enforcement and Administration
163.) Of Justice reported that organized crime was extensively involved in
164.) Legitimate business organizations and utilized tactics such as
165.) Monopolization, terrorism, extortion, and tax evasion “to drive out and
166.) Control lawful ownership and leadership.” President’s Commission on
167.) Law Enforcement & Admin. of Justice, *The Challenge of Crime in a*
168.) *Free Society* (1969). 2510. 18 U.S.C. § 1963(a) (West 2003).
169.) 2511. *Id.* § 1964(c). RICO also provides for equitable relief, including
170.) Divestiture of Defendant’s interest in the enterprise, restrictions on
171.) Future activities, reorganization, or dissolution. *Id.* § 1964(a). *See Paul*
172.) *B. O’Neill, “Mother of Mercy, Is This the Beginning of RICO?”: The*
173.) *Proper Point of Accrual of a Private Civil RICO Action*, 65 N.Y.U. L.
174.) *Rev.* 172, 180 (1990). 2512. 18 U.S.C. § 1964(c) (West 2003). *See*
175.) *Rotella v. Wood*, 528 U.S. 549, 557 (2000)(“The object of civil RICO
176.) Is thus not merely to compensate victims but to turn them into
177.) Prosecutors, ‘private attorneys general,’ dedicated to eliminating
178.) Racketeering activity.”) .2513. For example, until the enactment of the
179.) Private Securities Litigation Reform Act, RICO claims were frequently
180.) Asserted in cases alleging securities violations. *See, e.g., Holmes v.*
181.) *Sec. Investor Prot. Corp.*, 503 U.S. 258 (1992); *Powers v. British Vita*,

182.) 57 F.3d 176 (2d Cir. 1995). § 35.1 *Manual for Complex Litigation*,
183.) *Fourth* 690 at organized crime, courts have broadly construed RICO's
184.) Provisions, and its scope has extended well beyond its original aim.
185.) Early efforts by lower courts to restrict claims that appeared to exceed
186.) RICO's original goals were overruled by Supreme Court decisions that
187.) Broadened the statute's reach.²⁵¹⁴ RICO claims can now be found in
188.) A variety of contexts, including insurance and business disputes,
189.) Courts and other protests,²⁵¹⁵ consumer financial
190.) Services litigation,²⁵¹⁶ family law,²⁵¹⁷ and whistle-blower
191.) Actions.²⁵¹⁸ such as the case that was before the Defendant. RICO have
192.) Continued to expand despite significant criticism by commentators and
193.) The courts, Congress has shown little inclination to narrow the
194.) Statute's focus or reach.²⁵¹⁹, ²⁵¹⁴. *Sedima S.P.R.L. v. Imrex Co.*,
195.) 473 U.S. 479 (1985). *See United States v. Turkette*, 452
196.) U.S. 576, 581 (1981) (Congress intended RICO to reach criminal as
197.) Well as legitimate organization and breadth of statute signaled
198.) Congressional intent to supersede authority of courts to
199.) Restrict its provisions). However, the Supreme Court has
200.) Acknowledged that the statute does have some limits. *See Reves v.*
201.) *Ernst & Young*, 507 U.S. 170, 184 (1993) ("Congress did not intend
202.) To extend RICO liability under § 1962(c) beyond those who

203.) Participate in the operation or management of an enterprise through a
204.) Pattern of racketeering activity.”); H.J. Inc. v. N.W. Bell
205.) Tel. Co., 492 U.S. 229, 239 (1989) (continuity required). This is not
206.) applicable in this case before the court because the named Defendants
207.) with malice and forethought violated 18 U.S.C. § 1951 (Hobbs Act
208.) Extortion) , 18 U.S.C. § 1341 (Mail Fraud) ,18 U.S.C. § 1343 (Wire
209.) Fraud) , 18 U.S.C. § 1349 (Attempt & Conspiracy to Commit Mail
210.) & Wire Fraud) , 18 U.S.C. §1512 (b) (Witness Tampering) failure to
211.) Call me the plaintiff as a witness. § 1030 (a) (2) (Misuse of
212.) Computer) , 18 U.S.C. § 1963 (Criminal Forfeiture) , 18 U.S.C. §
213.) 2232 (d) (Interference with Electronic Surveillance) , 18 U.S.C. §
214.) 371 (Conspiracy) , 26 U.S.C. § 7206 (1) (False Statement on Tax
215.) Filing) , 26 U.S.C. § 7206 (2) (Aiding or Assisting False Return
216.) 18 U.S.C. § 595.

Section - 6

217.) The Defendants conducted Interference by Administrative Employees of Federal, State
218.) Or Territorial Governments, the Defendant conducted violation to 18 U.S.C. § 1960(a)
219.) Prohibition of unlicensed money Transmitting Business. The Defendants conducted
220.), Violation of Law Enforcement Assistance Act of 1965, The Defendants conducted
221.) Violation to 18 U.S.C. § 3045 Internal Revenue violations, failed to enforce
222.) 18 U.S.C. § 3497. Account as Evidence of embezzlement, failing to enforce

223.) 18 U.S.C. § 3553. Imposition of Sentence. The Defendants conducted the violation of
224.) 31 U.S.C. § 5365. Civil Remedies thus Conspiring to Commit a Felony and are
225.) Accessories after the fact.

Section - 7

226.) The Defendants are guilty of (Chapter 73 - Obstruction of Justice 18 U.S.C.
227.) § 1514. Civil Action to restrain harassment of a victim or witness being me the
228.) The petitioner and plaintiff before the Defendant. I am a homeless indigent
229.) Person who has been forced to sleep in my car, dependant on local churches
230.) For food and basic necessities at no fault of my own.
231.) The Defendants are guilty of conducting violations to 42 U.S.C. § 1983 and
232.) I respectfully ask that the Defendants do not have immunity under United States and
233.) International law .I am respectfully requesting a trial by Jury.
234.) I am asking requesting (\$ 100.000.000.000.00) one hundred billion dollars
235.) To be awarded to me in punitive, compensatory and civil damages for the
236.) Violations by the Defendants outlined in this complaint. Or I am requesting an
237.) Award by the jury in the amount in which they feel is applicable and just for the
238.) Violations to the law and me the Plaintiff outlined in this case before the court.

SIGNATURE _____

AZAEL DYTHIAN PERALES
POST OFFICE BOX 501
FULLERTON, CALIFORNIA, 92836

Dated: 06 /13/ 2010